UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1.   This Office Action is made in response to Reply to Office Action of 08/20/2008

("Reply"); filed November 6, 2008. Applicant has amended Claims 1, 11, and 21; no

claims have been added; and no claims have been canceled. As amended, Claims 1

through 31 are presented for examination.

2.   In Office Action of August 20, 2008 ("Office Action"):

Claims 1 through 31 were rejected under 35 U.S.C. 103(a) as being unpatentable

over Walker et al. (US Patent Application Publication 2001/0018771) in view of

Shoff et al., (United States Patent 6,240,555 B1).

Miscellaneous

3.   Applicant is advised that the Examiner's Art Unit number has changed from 2623

to 2427. All further correspondence should be directed to Art Unit 2427.

Response to Arguments

4.   Applicant's arguments, see Reply Pages 12-17, with respect to the teachings of

Walker et al. in addressing the limitations of Claims 1, 11, and 21 have been fully

considered, but are moot in view of new grounds of rejection. However, in response to

Applicant's arguments regarding the interpretation of the claim language "supplemental

information" as equivalent to "synchronized functionality", the Examiner respectfully

disagrees and notes that "supplemental information" is only mentioned in dependent

Claims 7, 17, and 27; not Claims 1, 11, and 21; the Examiner does not interpret these

terms to be equivalent.

5.   Applicant's arguments, see Reply Pages 17-19, with respect to the teachings of

Shoff et al. in addressing the limitations of Claims 1, 11, and 21 have been fully

considered, but are not persuasive.

        Applicant presents that Shoff does not disclose or suggest the Claim 1 limitation

"wherein said at least one synchronized functionality originates from the same

broadcast provider location as the broadcast television program" because "the

broadcast video signals are re-transmitted since they originate from a satellite feed or a

cable system feed, i.e., remotely from the headend 22" (Reply Page 18). The Examiner

respectfully disagrees.

        The Examiner notes that Applicant provides no support for Shoff teaching the re-

transmission of broadcast video signals from headend 22 and further notes that Fig. 2 of

Shoff demonstrates headend 22 as the only source of information. The Examiner also

notes that Applicant's Claim 1 requires that the "synchronized functionality originates",

but a point of origin for the broadcast programming is not required. Therefore, it is the

Examiner's position that Shoff teaches the transmission of broadcast video (i.e. video

programs 40) and synchronized functionality (as part of supplemental content 54) from

the same broadcast provider (headend 22) to viewer computing unit 24 by way of

network 32, as shown in Fig. 2 and described in Col. 4 Lines 42-61.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1 through 31 are rejected under 35 U.S.C. 102(e) as being anticipated by

Shoff et al., United States Patent (6,240,555 B1) hereinafter "Shoff".

8.   With respect to Claim 1, Shoff teaches a method for providing access to

information related to a broadcast television program (generally shown in Figs. 2, 6, 7,

and 9), the method comprising:

delivering, <u>via a single communication path,</u> the broadcast television program

along with at least one synchronized functionality associated with the broadcast

television program ("target resource contains digital data which supports interactive

functionality in conjunction with the associated video content program" and that defines

parameters such as display layout or timing information to synchronize the presentation,

as described in Col. 9 Line 66—Col. 10 Line 17; with further reference to "the digital

data is packaged with the video stream and transmitted as one signal from the

headend", as described in Col. 10 Lines 17-24 and Network 32 of Fig. 2), the broadcast

television program and said at least one synchronized functionality <u>being of the same</u>

<u>format and</u> for display on a television screen within a home (transmission of digital data

in vertical blank interval (VBI) between successive frames of the video, as disclosed in

Col. 2 Lines 32-52 and Figs. 1, 8a-8c; with further reference to Col. 12 Lines 24-38),

said at least one synchronized functionality comprising at least one user-

selectable option ("Display Icon Indicating Interactive" at Step 162, which is displayed

based on a determination of the existence of interactive data at Step 152 from EPG, as

described in Col. 8 Line 62—Col. 9 Line 40), and wherein said at least one

synchronized functionality originates from the same broadcast provider location as the

broadcast television program (Video Programs 40, Program Information 46, and

Supplemental Content 54 distributed from Headend 22 of Fig. 2, as described in Col. 4

Line 42—Col. 5 Line 60; with further reference to Fig. 9 showing the method of

authoring an interactive entertainment program, as described in Col. 12 Line 39-67);

receiving an input from a user that selects at least a portion of said at least one

synchronized functionality associated with at least a portion of the broadcast television

program, during said delivery ("Display Icon Indicating Interactive" at Step 162 is

available for selection by the user at Step 164 of Fig. 6, as described in Col. 9 Line 30—

Col. 10 Line 17 and shown in Fig. 8a); and

in response to said received input, performing at least a portion of said at least

one synchronized functionality associated with said at least a portion of the broadcast

television program, at least in part outside said home (Steps 170-174 of Fig. 6

describing the processes of activating the target resource selected by the user, as

disclosed in Col. 9 Line 54—Col. 10 Line 24; where the target resource can exists at the

headend, as described in Col. 10 Lines 28-30).

9.   With respect to Claim 2, Shoff teaches the method according to Claim 1

comprising associating said at least one synchronized functionality with the broadcast

television program (digital data including "timing information" included with broadcast of

video data, as described in Col. 10 Lines 7-24, Lines 34-58; with further reference to

Step 245 of Fig. 9, as described in Col. 12 Lines 39-47).

10.   With respect to Claim 3, Shoff teaches the method according to Claim 1

comprising notifying said user of said at least one synchronized functionality

corresponding to the broadcast television program (Icon 204 indicates the existence of

supplemental content and is displayed to the user during step 162 of Fig. 6, as

described in Col. 9 Lines 30-53 and shown in Fig. 8a).

11.   With respect to Claim 4, Shoff teaches the method according to Claim 1

comprising broadcasting an indication of said at least one synchronized functionality

along with the broadcast television program ("indication that program is interactive

compatible and that there is supplemental content for the program", as dictated by EPG

Data Field 58, as described in Col. 8 Line 62—Col. 9 Line 19).

12.   With respect to Claim 5, Shoff teaches the method according to Claim 1 wherein

said input is a code representative of said function (target resources activated in

response to a view selecting Icon 204 can represent file locations at Headend 22 or

HTML documents, as described in Col. 9 Line 54—Col. 10 Lines 24, 28-30; with further

reference to Col. 5 Lines 12-60).

13.   With respect to Claim 6, Shoff teaches the method according to Claim 1 wherein

said input is generated from at least one of a remote control, a keyboard, a scanning

device and an audio processing device (Remote Control Unit 30 of Fig. 2, as described in Col. 4 Lines 22-34; with further reference to Col. 9 Lines 41-59).

14.   With respect to Claim 7, Shoff teaches the method according to Claim 1 comprising generating supplemental information related to the broadcast television program in response to said received input (Steps 178-180 of Fig. 7 describing the extraction and configuration of digital data for presentation, as described in Col. 10 Lines 34-50).

15.   With respect to Claim 8, Shoff teaches the method according to Claim 7 comprising presenting said supplemental information to said user (Step 182 of Fig. 7 describing the display of supplemental content according to the display layout and synchronized to the program according to the timing information, as described in Col. 10 Line 50—Col. 12 Line 38 and shown in Figs. 8a-8c).

16.   With respect to Claim 9, Shoff teaches the method according to Claim 7 comprising presenting said supplemental information to said user concurrently with said delivery of the broadcast television program (Program 210 of Figs. 8a-8c displayed with supplemental content, as described in Col. 10 Line 59—Col. 12 Line 38).

17.   With respect to Claim 10, Shoff teaches the method according to Claim 1 comprising displaying information related to said performance of said at least a portion of said at least one synchronized functionality (Viewer Computing Unit 24 runs electronic program guide (EPG) that displays various listings of programs including Data Field 58 that indicates the existence and location of interactive content, as described Col. 4 Lines 35-42, Col. 5 Line 61—Col. 6 Line 22).

18.   With respect to Claim 11, Shoff teaches a machine-readable storage having

stored thereon, a computer program having at least one code section for providing

access to information related to a broadcast television program, the at least one code

section being executable by a machine for causing the machine to perform the method

of Claim 1 (Program Memory 96 of viewer computing unit shown in Fig. 5, as described

in Col. 8 Lines 4-51; with further reference to Claim 1 addressed above).

19.   Claim 12 is met as previously discussed with respect to the machine-readable

storage of Claim 11 causing a machine to perform the method of Claim 2.

20.   Claim 13 is met as previously discussed with respect to the machine-readable

storage of Claim 11 causing a machine to perform the method of Claim 3.

21.   Claim 14 is met as previously discussed with respect to the machine-readable

storage of Claim 11 causing a machine to perform the method of Claim 4.

22.   Claim 15 is met as previously discussed with respect to the machine-readable

storage of Claim 11 causing a machine to perform the method of Claim 5.

23.   Claim 16 is met as previously discussed with respect to the machine-readable

storage of Claim 11 causing a machine to perform the method of Claim 6.

24.   Claim 17 is met as previously discussed with respect to the machine-readable

storage of Claim 11 causing a machine to perform the method of Claim 7.

25.   Claim 18 is met as previously discussed with respect to the machine-readable

storage of Claim 11 causing a machine to perform the method of Claim 8.

26.   Claim 19 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 9.

27.   Claim 20 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 10.

28.   With respect to Claim 21, Shoff teaches a system for providing access to information related to a broadcast television program (as shown in Fig. 2 and described in Col. 4 Line 14—Col. 5 Line 60), the system comprising at least one processor that executes the method of Claim 1 (Processor 92 of viewer computing unit shown in Fig. 5 and described in Col. 8 Lines 4-51; with further reference to the method of Claim 1 addressed above).

29.   Claim 22 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 2.

30.   Claim 23 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 3.

31.   Claim 24 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 4.

32.   Claim 25 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 5.

33.   Claim 26 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 6.

34.   Claim 27 is met as previously discussed with respect to the system of Claim 21

operating under the method of Claim 7.

35.   Claim 28 is met as previously discussed with respect to the system of Claim 21

operating under the method of Claim 8.

36.   Claim 29 is met as previously discussed with respect to the system of Claim 21

operating under the method of Claim 9.

37.   Claim 30 is met as previously discussed with respect to the system of Claim 21

operating under the method of Claim 10.

38.   With respect to Claim 31, Shoff teaches the system according to Claim 21

wherein said at least one processor is at least one of a media processing system

processor, a media management system processor, a computer processor, media

exchange software processor, and a media peripheral processor (Processor 92

functions as a media management system processor, as disclosed in Col. 8 Lines 35-

51).

Conclusion

39.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

40.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PATRICK A. RYAN whose telephone number is

(571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am -

5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/   01/12/2009
Primary Examiner, Art Unit 2421

/P. A. R./
Examiner, Art Unit 2427
Wednesday, January 14, 2009